

[PUBLIC LAW 92—81ST CONGRESS]

[CHAPTER 185—1ST SESSION]

[H. R. 3005]

AN ACT

To regulate subsistence expenses and mileage allowances of civilian officers and employees of the Government.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Travel Expense Act of 1949".*

SEC. 2. When used in this Act—

(1) The term "departments and establishments" means (A) any executive department, independent commission, board, bureau, office, agency, or other establishment in the executive branch of the Government, including wholly owned Government corporations and the municipal government of the District of Columbia, and (B) any office, agency, or other establishment in the legislative branch of the Government (except Members of Congress and offices and committees of the Senate and the House of Representatives), and (C) any office, agency, or other establishment in the judicial branch of the Government.

(2) The term "subsistence" means lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler.

(3) The term "per diem allowance" means a daily flat rate of payment in lieu of actual expenses.

(4) The term "Members of Congress" means Senators, Representatives, Delegates, and Resident Commissioners.

SEC. 3. Civilian officers and employees of the departments and establishments (except justices and judges covered by section 456 of title 28 of the United States Code), while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the department or establishment concerned, not to exceed the rate of \$9 within the limits of the continental United States and in case of travel beyond the limits of the continental United States not to exceed rates established by the Director of the Bureau of the Budget for the locality in which the travel is performed.

SEC. 4. Civilian officers or employees of departments and establishments or others rendering service to the Government shall, under regulations prescribed by the Director of the Bureau of the Budget, and whenever such mode of transportation is authorized or approved as more advantageous to the Government (except that no determination of advantage is required where payment on a mileage basis is limited to the cost of travel by common carrier, including per diem), be paid in lieu of actual expenses of transportation not to exceed 4 cents per mile for the use of privately owned motorcycles, or 7 cents

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per mile for the use of privately owned automobiles or airplanes, when engaged on official business within or outside their designated posts of duty or places of service. In addition to the mileage allowances provided for in this section, there may be allowed reimbursement for the actual cost of ferry fares, and bridge, road, and tunnel tolls.

SEC. 5. The departments and establishments may advance, through the proper disbursing officers, to any person entitled to per diem or mileage allowances under this Act, such sums as may be deemed advisable considering the character and probable duration of the travel to be performed. Any sums so advanced and not used for allowable travel expense shall be recoverable by set-off of salary due, retirement credit, or otherwise, from the person to whom advanced, or his estate, by deduction from any amount due from the United States, or by such other legal method of recovery as may be necessary.

SEC. 6. Except as otherwise permitted by this Act or by the laws relating to military personnel, only actual and necessary traveling expenses shall be allowed to any person holding employment or appointment under the United States.

SEC. 7. The fixing and payment under this Act of travel allowances and of advances and recovery thereof, and reimbursement of travel expenses under this Act, shall be in accordance with regulations which shall be promulgated by the Director of the Bureau of the Budget.

SEC. 8. This Act shall not be construed to modify or repeal any Act providing for the traveling expenses of the President of the United States or any Act providing for mileage allowances for the President of the Senate or Members of Congress.

SEC. 9. (a) The Subsistence Expense Act of 1926 and the Auto Mileage Act of February 14, 1931, are repealed. All Acts (other than appropriation items for examination of estimates in the field), applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are inconsistent with or in conflict with the provisions of this Act (except such Acts or parts of Acts as fix or permit rates higher than the maximum rates established under this Act) are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act: *Provided, however,* That Acts making appropriations for the fiscal years 1949 and 1950 (whether approved before or after the approval of this Act) which authorize or permit, in either general or specific terms, the payment of travel or transportation expenses without regard to the Subsistence Expense Act of 1926, as amended, or the Standardized Government Travel Regulations, shall be construed to authorize payment of such expenses from the appropriation concerned without regard to this Act.

(b) Wherever provision is made in any law for the payment of per diem allowances to officers and employees in any branch or establishment of the Government not covered by this Act, in accordance with the rates provided in the Subsistence Expense Act of 1926, such law is hereby amended to provide for payment at the rates prescribed in or under this Act.

SEC. 10. This Act shall take effect on July 1, 1949.

Approved June 9, 1949.